

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

SANDRA TURNER,

Plaintiff,

vs.

MASSAHCUSETTS INSTITUTE OF
TECHNOLOGY,

Defendant.

Civil Action No.

[On removal from Superior Court of
Middlesex County, Massachusetts,
C.A. No. 12-1184]

NOTICE OF REMOVAL

**TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS:**

Pursuant to 28 U.S.C. §§ 1331 and 1446, Defendant Massachusetts Institute of Technology (“Defendant”) hereby gives notice of the removal of the civil action styled *Sandra Turner v. Massachusetts Institute of Technology*, Civil Action No. 12-1184, from the Superior Court of Middlesex County, Massachusetts, to the United States District Court for the District of Massachusetts. In support of this Notice of Removal, and in accordance with 28 U.S.C. §1446 (a), Defendant attaches as Exhibit 1 a copy of all process and pleadings served upon Defendants (i.e., Summons, Complaint, Civil Action Cover Sheet, and Motion to Appoint Special Process Server) and states as follows:

I. TIMELINESS OF REMOVAL

1. Plaintiff Sandra Turner (“Plaintiff”) commenced this action by filing a complaint against Defendant, entitled *Sandra Turner v. Massachusetts Institute of Technology*, Civil Action No. 12-1184, in the Superior Court of Middlesex County, Massachusetts on or about March 28,

2012. The Complaint was served on Defendant on March 29, 2012. This Notice of Removal is therefore timely. 28 U.S.C. § 1446(b).

II. JURISDICTION AND GROUNDS FOR REMOVAL

2. In Counts I and III of the Complaint, Plaintiff alleges that Defendant violated federal law, specifically 42 U.S.C. §12101, *et seq* and 42 U.S.C. §12203(a).

3. Defendant is entitled to remove Plaintiff's action to this Court pursuant to 28 U.S.C. § 1446 because this Court has original jurisdiction over this matter under the provisions of 28 U.S.C. §1331 (establishing federal question jurisdiction).

III. REMOVAL TO THIS COURT IS PROPER

4. Because this case was initially filed in the Superior Court of Middlesex County, the Eastern Division of the United States for the District of Massachusetts is the proper Court to which removal should be effected, as required for removal under 28 U.S.C. §§ 1441(a) and 1446(a).

IV. NOTICE

5. Copies of this Notice of Removal are being served on Plaintiff and filed with the Clerk of Court of the Middlesex Superior Court, Commonwealth of Massachusetts, in satisfaction of 28 U.S.C. §1446(d).

WHEREFORE, Defendant Massachusetts Institute of Technology respectfully requests that this action, now pending in the Middlesex Superior Court, Commonwealth of Massachusetts, be removed to the United States District Court for the District of Massachusetts, Eastern Division.

**MASSACHUSETTS INSTITUTE OF
TECHNOLOGY,**

By its attorney,

/s/ Scott A. Roberts

Scott A. Roberts (BBO# 550732)

Hirsch Roberts Weinstein LLP

24 Federal Street, 12th Floor

Boston, Massachusetts 02110

Phone: (617) 348-4300

Facsimile: (617) 348-4343

sroberts@hrwlawyers.com

April 19, 2012

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on April 19, 2012.

/s/ Scott A. Roberts

Scott A. Roberts